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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,850	08/22/2003	Uwe Mellenthin	H01.2B-11123-US01	1502

490 7590 09/06/2006

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,850	MELLENTHIN ET AL.	
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed July 10, 2006.
2. Claims 1-13 and 15-20 are presented. Claim 14 is cancelled and no claims added.
3. Claims 1-13 and 15-20 are pending.
4. Applicant's arguments filed July 10, 2006, have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5,7-8,10-13,and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001, and further in view of "Applicant Admitted Prior Art", paragraphs [0003]-[0006]; hereinafter referred to as AAPA.**

Regarding Claim 1, Catan discloses a method for handling data of a proportioning device comprising the steps of:

providing the proportioning device ([0058], lines 1-3, Catan)¹, in a production process ([0064], lines 1-5, Catan), with at least one transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan)² and from which data can be contactlessly read out using a reading device ([0059], lines 1-3, Catan)³,

storing production-related specific data about the proportioning device ([0063], lines 1-7, Catan)⁴, in the production process ([0064], lines 1-5, Catan), into the transponder using the writing device ([0060], lines 12-20, Catan), and fully or partially reading out the stored production related data using the reading device ([0061], lines 1-15, Catan). However, Catan is silent with respect to storing application-related data about the proportioning device in the transponder using the writing device and during use of the proportioning device or during maintenance or repair of the proportioning device, fully or partially reading out the stored application related data using the reading device. On the other hand, Curry discloses storing application-related data about the proportioning device in the transponder using the writing device (column 17, lines 2-7, Curry) and during use of the proportioning device or during maintenance or repair of the proportioning device (column 20, lines 36-39, Curry), fully or partially

¹ Examiner Notes: The "MRL" device corresponds to the proportioning device, because the MRL device houses and performs the same functions as those outlined for the proportioning device (i.e. a transponder which stores data by a writing device and reads data by a reading device, contactlessly, See Fig.1).

² Examiner Notes: The "computer" corresponds to the writing device. Also, the act of contactlessly storing data is represented by a wireless connection.

³ Examiner Notes: The "portable reader" corresponds to the reading device. Also, the act of contactlessly reading is done by wireless links.

⁴ Examiner Notes: Some examples of production-related specific data are tickets, movie shows, and airlines.

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reading out the stored application related data using the reading device (column 7, lines 15-23 and column 13, lines 60-65, Curry). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Curry's teachings into the Catan proportioning device. Catan and Curry are analogous art because they are from the same field of endeavor of establishing a relationship among data and managing it with frequency (i.e. transponders). A skilled artisan would have been motivated to combine, as suggested by Curry at column 17, lines 40-46, in order to authorize the system to communicate data with other components such as networks, modems, and interfaces. By applying this information this allows the device to be self-contained ensuring that the needed data will be available with more ease. However, the combination of Catan in view of Curry are silent with respect to the proportioning device being of a portable or stationary design and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers. On the other hand, Applicant Admitted Prior Art discloses the proportioning device being of a portable or stationary design and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers ([0003], lines 1-4, AAPA). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate AAPA's teachings into the Catan in view of Curry system. Catan, Curry, and AAPA are analogous art because they are from the same field of endeavor of handling

proportioning devices. A skilled artisan would have been motivated to combine in order to allow the dispenser to be operated at a capacity suitable for the system as well as more convenient for the user.

Regarding Claim 2, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the proportioning device is provided with a passive transponder (column 10, lines 64-67, Curry)⁵.

Regarding Claim 3, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein at a beginning stage of assembling the proportioning device, a product component is provided with the transponder ([0088], lines 1-6, Catan)⁶.

Regarding Claim 4, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the transponder is encapsulated in the proportioning device ([0061], lines 1-4, Catan)⁷.

Regarding Claim 5, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein an article number and/or a serial

⁵ Examiner Notes: The use of a battery for energy storage is acceptable, but the battery can also be replaced with capacitor, which is inductively charged (i.e. passive).

⁶ Examiner Notes: "Components of the resource retrieval technology" corresponds to the product component, and the assembly process is represented by the "using the context to filter a large number of options down" (which is gathering the context together and organizing them downward). Lastly, by filtering the context downward, that means the process starts from the top (i.e. beginning) to the bottom.

number of the proportioning device (column 12, lines 59-61, Curry) and/or a production order number and/or a batch number is/are stored into the transponder as production-related specific data ([0063], lines 1-7, Catan).

Regarding Claim 7, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein sales data is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 8, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein inventory data of the user is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 10, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein usage data is stored (column 14, lines 36-43, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 11, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein maintenance and/or repair

⁷ Examiner Notes: "Affixed" corresponds to encapsulated.

data is stored (column 20, lines 36-39, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 12, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the production-related specific data is stored to be fully or partially invariable into the transponder ([0112], lines 1-4, Catan)⁸.

Regarding Claim 13, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the application-related specific data is stored to be fully or partially variable into the transponder (column 17, lines 30-34, Curry)⁹.

Regarding Claim 15, the combination of Catan in view of Curry, and further in view of AAPA, disclose a proportioning device comprising: a proportioning device selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers ([0003], lines 1-4, AAPA), a transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan) and from which data can be contactlessly read out using a reading device

⁸ Examiner Notes: By allowing the data to be generated invariably, at the least coincides with the partial invariability.

⁹ Examiner Notes: By allowing the applications to interchange makes them variable.

([0059], lines 1-3, Catan), the proportioning device having the transponder affixed thereto (Fig.2; [0061], lines 1-4, Catan).

Regarding Claim 16, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the transponder is a passive transponder (column 10, lines 64-67, Curry).

Regarding Claim 17, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the transponder is encapsulated in a casing of the proportioning device ([0061], lines 3-4, Catan).

Regarding Claim 18, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the transponder is disposed inside the casing of the proportioning device or is injected into the casing of the proportioning device (column 13, lines 54-56, Curry)¹⁰.

Regarding Claim 19, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the

¹⁰ Examiner Notes: "Includes" corresponds to injected.

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production-related specific data can be stored to be fully or partially invariable in the transponder ([0112], lines 1-4, Catan).

Regarding Claim 20, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the application-related specific data can be stored to be fully or partially variable in the transponder (column 17, lines 30-34, Curry).

7. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001 and further in view of "Applicant Admitted Prior Art", paragraphs [0003]-[0006]; hereinafter referred to as AAPA, and further in view of Lee (US Patent No. 5,493,304) filed on September 29, 1994.

Regarding Claim 6, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method of storing production-related specific data ([0063], lines 1-7, Catan). However, Catan in view of Curry, and further in view of AAPA, are silent with respect to the data being initial calibration. On the other hand, Lee discloses disclosing the data being initial calibration (column 6, lines

10-15, Lee)¹¹. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Lee's calibration system into the Catan in view of Curry, and further in view of AAPA system. A skilled artisan would have been motivated to combine, as suggested by Lee at column 8, lines 60-67, in order to have a significant impact on the testing of frequencies as well as the ability to achieve non-evasive testing with transmission technology in order to result in a cost effective technique.

Regarding Claim 9, the combination of Catan in view of Curry, further in view of AAPA, and further in view of Lee, disclose the method wherein calibration data of the user is stored (column 6, lines 30-41, Lee) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

AN ALTERNATE REJECTION:

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

¹¹ Examiner Notes: The "input pulse signal" occurs at the beginning of the test, which is applied to calibrate the time, which corresponds to the initial calibration.

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9. Claims 1-5,7-8,10-13,and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001, and further in view of Jansen (US Patent No. 6,778,917) filed November 1, 1999.

Regarding Claim 1, Catan discloses a method for handling data of a proportioning device comprising the steps of:

providing the proportioning device ([0058], lines 1-3, Catan)¹², in a production process ([0064], lines 1-5, Catan), with at least one transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan)¹³ and from which data can be contactlessly read out using a reading device ([0059], lines 1-3, Catan)¹⁴,

storing production-related specific data about the proportioning device ([0063], lines 1-7, Catan)¹⁵, in the production process ([0064], lines 1-5, Catan), into the transponder using the writing device ([0060], lines 12-20, Catan), and fully or partially reading out the stored production related data using the reading device ([0061], lines 1-15, Catan). However, Catan is silent with respect to storing application-related data about the proportioning device in the

¹² Examiner Notes: The "MRL" device corresponds to the proportioning device, because the MRL device houses and performs the same functions as those outlined for the proportioning device (i.e. a transponder which stores data by a writing device and reads data by a reading device, contactlessly, See Fig.1).

¹³ Examiner Notes: The "computer" corresponds to the writing device. Also, the act of contactlessly storing data is represented by a wireless connection.

¹⁴ Examiner Notes: The "portable reader" corresponds to the reading device. Also, the act of contactlessly reading is done by wireless links.

¹⁵ Examiner Notes: Some examples of production-related specific data are tickets, movie shows, and airlines.

transponder using the writing device and during use of the proportioning device or during maintenance or repair of the proportioning device, fully or partially reading out the stored application related data using the reading device. On the other hand, Curry discloses storing application-related data about the proportioning device in the transponder using the writing device (column 17, lines 2-7, Curry) and during use of the proportioning device or during maintenance or repair of the proportioning device (column 20, lines 36-39, Curry), fully or partially reading out the stored application related data using the reading device (column 7, lines 15-23 and column 13, lines 60-65, Curry). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Curry's teachings into the Catan proportioning device. Catan and Curry are analogous art because they are from the same field of endeavor of establishing a relationship among data and managing it with frequency (i.e. transponders). A skilled artisan would have been motivated to combine, as suggested by Curry at column 17, lines 40-46, in order to authorize the system to communicate data with other components such as networks, modems, and interfaces. By applying this information this allows the device to be self-contained ensuring that the needed data will be available with more ease. However, the combination of Catan in view of Curry are silent with respect to the proportioning device being of a portable or stationary and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers. On the other hand, Jansen discloses the

proportioning device being of a portable or stationary design (column 5, lines 40-45, Jansen) and selected from the group consisting of manually operated pipettes, motor-operated pipettes (column 6, lines 8-25, Jansen), manually operated dispensers, and motor-operated dispensers. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Jansen's teachings into the Catan in view of Curry system. Catan, Curry, and Jansen are analogous art because they are from the same field of endeavor of a calibration system. A skilled artisan would have been motivated to combine, as suggested by Jansen at column 2, lines 65-67 and 1-3, respectively, in order to alleviate from previous downfalls of pipette devices such as tediousness and errors. Therefore, by allowing the proportioning device to be motor-operated pipette improves operating parameters, procedures, and programs.

Regarding Claim 2, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the proportioning device is provided with a passive transponder (column 10, lines 64-67, Curry)¹⁶.

Regarding Claim 3, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein at a beginning stage of

¹⁶ Examiner Notes: The use of a battery for energy storage is acceptable, but the battery can also be replaced with capacitor, which is inductively charged (i.e. passive).

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assembling the proportioning device, a product component is provided with the transponder ([0088], lines 1-6, Catan)¹⁷.

Regarding Claim 4, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the transponder is encapsulated in the proportioning device ([0061], lines 1-4, Catan)¹⁸.

Regarding Claim 5, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein an article number and/or a serial number of the proportioning device (column 12, lines 59-61, Curry) and/or a production order number and/or a batch number is/are stored into the transponder as production-related specific data ([0063], lines 1-7, Catan).

Regarding Claim 7, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein sales data is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 8, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein inventory data of the user is

¹⁷ Examiner Notes: "Components of the resource retrieval technology" corresponds to the product component, and the assembly process is represented by the "using the context to filter a large number of options down" (which is gathering the context together and organizing them downward). Lastly, by filtering the context downward, that means the process starts from the top (i.e. beginning) to the bottom.

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stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 10, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein usage data is stored (column 14, lines 36-43, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 11, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein maintenance and/or repair data is stored (column 20, lines 36-39, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 12, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the production-related specific data is stored to be fully or partially invariable into the transponder ([0112], lines 1-4, Catan)¹⁹.

Regarding Claim 13, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the application-related

¹⁸ Examiner Notes: "Affixed" corresponds to encapsulated.

¹⁹ Examiner Notes: By allowing the data to be generated invariably, at the least coincides with the partial invariability.

specific data is stored to be fully or partially variable into the transponder (column 17, lines 30-34, Curry)²⁰.

Regarding Claim 15, the combination of Catan in view of Curry, and further in view of Jansen, disclose a proportioning device comprising: a proportioning device selected from the group consisting of manually operated pipettes, motor-operated pipettes (column 6, lines 8-25, Jansen), manually operated dispensers, and motor-operated dispensers, a transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan) and from which data can be contactlessly read out using a reading device ([0059], lines 1-3, Catan), the proportioning device having the transponder affixed thereto (Fig.2; [0061], lines 1-4, Catan).

Regarding Claim 16, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the transponder is a passive transponder (column 10, lines 64-67, Curry).

Regarding Claim 17, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the transponder is encapsulated in a casing of the proportioning device ([0061], lines 3-4, Catan).

²⁰ Examiner Notes: By allowing the applications to interchange makes them variable.

Regarding Claim 18, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the transponder is disposed inside the casing of the proportioning device or is injected into the casing of the proportioning device (column 13, lines 54-56, Curry)²¹.

Regarding Claim 19, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the production-related specific data can be stored to be fully or partially invariable in the transponder ([0112], lines 1-4, Catan).

Regarding Claim 20, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the application-related specific data can be stored to be fully or partially variable in the transponder (column 17, lines 30-34, Curry).

10. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001 and further in view

²¹ Examiner Notes: "Includes" corresponds to injected.

of Jansen (US Patent No. 6,778,917) filed November 1, 1999, and further in view of Lee (US Patent No. 5,493,304) filed on September 29, 1994.

Regarding Claim 6, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method of storing production-related specific data ([0063], lines 1-7, Catan). However, Catan in view of Curry, and further in view of AAPA, are silent with respect to the data being initial calibration. On the other hand, Lee discloses disclosing the data being initial calibration (column 6, lines 10-15, Lee)²². It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Lee's calibration system into the Catan in view of Curry, and further in view of AAPA system. A skilled artisan would have been motivated to combine, as suggested by Lee at column 8, lines 60-67, in order to have a significant impact on the testing of frequencies as well as the ability to achieve non-evasive testing with transmission technology in order to result in a cost effective technique.

Regarding Claim 9, the combination of Catan in view of Curry, further in view of Jansen, and further in view of Lee, disclose the method wherein calibration data of the user is stored (column 6, lines 30-41, Lee) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Response to Arguments

Applicant's arguments with respect to limitation of the proportioning device selected from the group within claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues, neither Catan nor Curry teach "the use of a transponder in the reading and writing of production-related and application-related specific data", specifically "the storage of application-related specific data of a pipette or dispenser into a transponder by using a writing device".

Examiner respectfully disagrees. Since, applicant argues a newly amended limitation of the storage of application-related data of a "pipette or dispenser" and because of the new grounds of rejection, applicant's argument for that specific limitation is moot. However, applicant argues there is no teaching of the transponder contactlessly storing data using a writing device. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the use of the transponder contactlessly storing data was disclosed by Catan at [0058] and [0060]. Also, as stated in the action above, Curry discloses at column 17, lines 2-7, wherein the invention finds

²² Examiner Notes: The "input pulse signal" occurs at the beginning of the test, which is applied to

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applications for use or the optical character recognition applications in which information is derived from other types of characters are scanned. The use of the OCR or either finding the applications show that data is stored, and the data is stored using a writing device. Therefore, the combination of Catan in view of Curry discloses the transponder contactlessly storing data using a writing device.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

calibrate the time, which corresponds to the initial calibration.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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